



ASA-672-02

Mattingly, Stanger & Malur, P.C.  
1800 Diagonal Road, Suite 370  
Alexandria, Virginia 22314  
(703) 684-1120



In re Patent Application of

M. MORI et al

Serial No. 09/506,808

Group Art Unit: 2165

Filed: February 18, 2000

Examiner: C. Nguyen

For: AUTOMATIC AUCTION METHOD

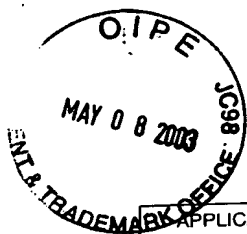
Papers Filed Herewith:

Transmittal Letter;  
REPLY UNDER 37 CFR §1.116 (with attachment); and  
APPLICANTS INTERVIEW SUMMARY RECORD.

Receipt is hereby acknowledged of the papers filed, as  
identified in connection with the above-identified patent  
application.

COMMISSIONER OF PATENTS AND TRADEMARKS

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**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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107-8001-004 03/18/02

86-272-02

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

14  
MAY 21 2001  
due 8-21-01/50

MATTINGLY, STANGER &  
100 E. 10th Ave.  
ALEXANDRIA VA 22301

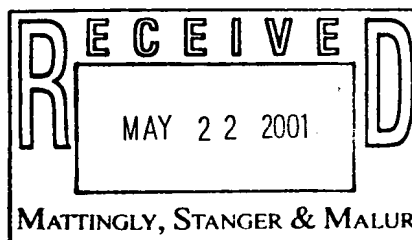
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In re Patent Application of

M. MORI et al

Serial No. 09/506,808

Group Art Unit: 2165

Filed: February 18, 2000

Examiner: C. Nguyen

For: AUTOMATIC AUCTION METHOD

Papers Filed Herewith:

PETITION FOR EXTENSION OF TIME;  
NOTICE OF APPEAL; and

Check No. 4690 in the amount of \$720.00 in payment  
of Two-Month Extension of Time and Notice of  
Appeal Fees.



Receipt is hereby acknowledged of the papers filed, as  
identified in connection with the above-identified patent  
application.

COMMISSIONER OF PATENTS AND TRADEMARKS

Attachment to CPM Memo 2001-14

## EXECUTIVE ORDER

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CLOSING OF FEDERAL GOVERNMENT EXECUTIVE DEPARTMENTS AND AGENCIES ON  
MONDAY, DECEMBER 24, 2001

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. All executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty on Monday, December 24, 2001, the day before Christmas Day, except as provided in section 2 below.

Sec. 2. The heads of executive branch departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must report for duty on December 24, 2001, for reasons of national security or defense or other public reasons.

Sec. 3. Monday, December 24, 2001, shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes insofar as they relate to the pay and leave of employees of the United States.

GEORGE W. BUSH

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The White House

December 5, 2001

- 
- To OPM Director's Memo CPM 2001-14
  - To OPM Director's Memo CPM 2001-13
  - To Compensation Administration Home Page



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05  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,808	02/18/2000	Masakatsu Mori	ASA-672 - 02	8316

7590 03/24/2003

MATTINGLY, STANGER & MALUR, P.C.  
104 East Hume Avenue  
Alexandria, VA 22301

EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 03/24/2003

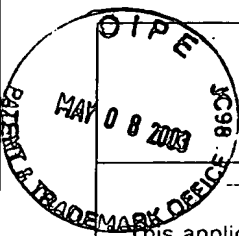
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APR -2 2003



# Notice of Abandonment

Application No.  
09/506,808

Applicant(s)  
Mori et al.

Examiner  
Cuong H. Nguyen

Art Unit  
3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

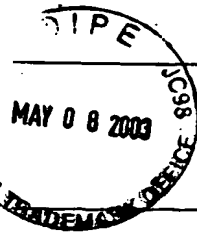
1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 5/21/2001.
  - (a) ☒ A reply was received on 12/26/2001 (with a Certificate of Mailing or Transmission dated N/A), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on 11/21/2001.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ No response has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
  - (b) ☐ The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
  - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

*The examiner discussed with Mr. Stanger (Reg. 32,846 - applicants' representative) on 3/20/2003 said reason of abandonment; the applicants can file a petition to revive this case.*

*Cuong H. Nguyen*  
CUONG H. NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3625



# Interview Summary

Application No. <b>09/506,808</b>		Applicant(s) <b>Mori et al.</b>	
Examiner <b>Cuong H. Nguyen</b>		Group Art Unit <b>3625</b>	

All participants (applicant, applicant's representative, PTO personnel):

- |   |           |
|---|-----------|
| (1) <u>Cuong H. Nguyen</u>                        | (3) _____ |
| (2) <u>Attorney Daniel Stanger (reg.# 32,846)</u> | (4) _____ |

Date of Interview May 2, 2002

Type: a) ☒ Telephonic    b) ☐ Video Conference  
 c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes    e) ☒ No. If yes, brief description:

Claim(s) discussed: None

Identification of prior art discussed:  
none

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Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

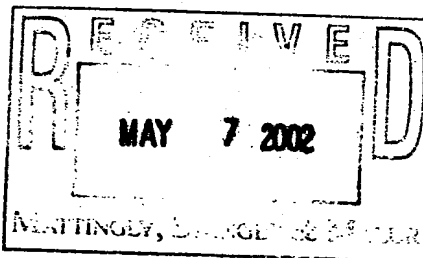
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The examiner considers that the pending application S.N. 09/506,808 is patentable, and currently under extra review before mailing further communications.

(A fuller description, if necessary, and a copy of the allowable, if available, must be attached. Also, when available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a

Unless the paragraph above has been checked, THE FOLLOWING INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See already been filed, APPLICANT IS GIVEN ONE MONTH SUBSTANCE OF THE INTERVIEW. See Summary of I



Under the claims he claims allowable is

(If box is checked).

ACTION MUST  
 Take action has  
 ELEMENT OF THE  
 or on attached

*Cuong H. Nguyen*  
**CUONG H. NGUYEN**  
**PRIMARY EXAMINER**  
**ART UNIT 3625**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



ASA-672-02

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Telephone: (703) 684-1120

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In re Patent Application of

M. MORI et al

Serial No. 09/506,808

Group Art Unit: 3625

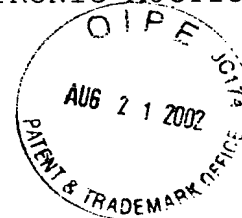
Filed: February 18, 2000

Examiner: C. Nguyen

For: METHOD AND APPARATUS FOR EXECUTING ELECTRONIC AUCTION  
(As Amended)

Papers Filed Herewith:

CHANGE OF CORRESPONDENCE ADDRESS;  
TRANSMITTAL OF TERMINAL DISCLAIMER;  
TERMINAL DISCLAIMER; and  
Check No. 7071 in the amount of \$110.00 in payment  
of Terminal Disclaimer Fee.



Receipt is hereby acknowledged of the papers filed, as  
identified in connection with the above-identified patent  
application.

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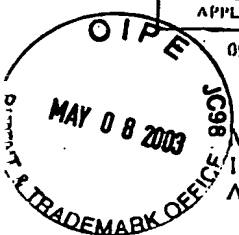




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,808	02/13/2000	Masakatsu Mori	ASA-672-02	8316

7590

02/24/2003

MATTINGLY, STANGER & MALUR, P.C.  
104 East Hume Avenue  
Alexandria, VA 22301

EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3625

20

DATE MAILED: 02/24/2003

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MAR 21 2003

**Advisory Action**

Application No.

09/506,808

Applicant(s)

Mori et al.

Examiner

Cuong H. Nguyen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Aug 21, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY (check only a) or b))

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP 5 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

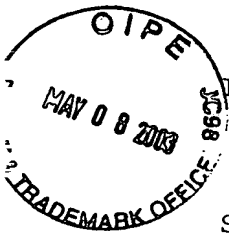
4. ☒ Applicant's reply has overcome the following rejection(s):  
Rejections based upon Chavez et al.'s reference that teach away from this pending invention because of no true competitive state that requires a resolution disclosed by Chavez.
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Although the terminal disclaimer (received on 8/21/2002) overcomes double-patenting rejections, the rejections that using Fisher et al. (US Pat. 5,835,896) would be applicable to pending independent claims.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):  
 Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: 16-33
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) 79
11. ☐ Other: \_\_\_\_\_

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*Cuong H. Nguyen*  
 CUONG H. NGUYEN  
 PRIMARY EXAMINER  
 ART UNIT 3625

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

M. MORI et al

Serial No. 09/506,808

Group Art Unit: 2165

Filed: February 18, 2000

Examiner: C. Nguyen

For: AUTOMATIC AUCTION METHOD

APPLICANTS' INTERVIEW SUMMARY RECORD

Commissioner for Patents  
Washington, D.C. 20231

December 26, 2001

Sir:

The Applicants' representative thanks the Examiner for the courtesies extended during the office interview of December 18, 2001. During the interview, the following matters were discussed.

The invention as set forth in the amended claims accompanying this Summary are distinguishable from the typical live auction. In the present invention, a maximum margin is proposed by each bidder so that a competitive state is resolved in accordance with the respective maximum margins. In a live auction, there is no maximum margin incorporated into the auction. Further, the auctioneer does not know the bidder's "window", or maximum margin, and the live auction does not end when two bidders reach a competitive state;

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instead, the auction continues with a bidder required to propose a higher bid than the previous high bid.

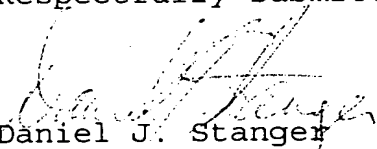
Concerning the secondary references to Fisher et al, US 5,835,896 (Fisher), and Ausubel, US 6,026,383 (Ausubel), both show real-time auction systems like the live auction system discussed above. The bidders bid with respect to a price proposed by an auctioneer ("Do I hear \$100?") while the auction is being performed. Note Fisher's use of "current auction status information" and Ausubel's "current price information".

In the present invention, the bidder proposes a price acceptable to pay, which makes the bidders participate in an auction in a non-real-time manner.

It is believed that agreement was reached that the proposed amendments would be entered, that the finality of the rejection would be withdrawn, and that the rejection involving Fujisaki and Chavez is overcome by the amended claims.

The Applicants' representative requests a telephone call at the number below to discuss the case further if the accompanying amendments do not result in a Notice of Allowance to be issued for this application.

Respectfully submitted,

  
Daniel J. Stanger  
Registration No. 32,846  
Attorney for Applicants

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Date: December 26, 2001